EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicants, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Georg M. Hasselmann on August 13, 2009.

The application has been amended as follows:

Claim 1, line 2, "250°C" has been deleted and - - 200°C - - has been substituted therefor.

Claim 2, line 2, after "knitted mesh" - - of a nonporous metal - - has been inserted.

Claim 5, line 2, "250°C" has been deleted and - - 200°C - - has been substituted therefor.

Claim 12, line 3, after "claim 1" - - and subsequently by oxidative treatment - - has been inserted.

Claim 12, lines 4-5, "or a combination of stripping as claimed in claim 1 or rinsing and stripping as claimed in claim 6 and oxidative treatment" has been deleted.

REASONS FOR ALLOWANCE

2. The following is an examiner's statement of reasons for allowance: Support for the temperature range of 50 to 250°C may be found in the instant Specification at p. 2, lines 8-18 and original **Claims 1 and 5**. Descriptive support for the temperature range of 50 to 200°C may be found on page 5 of the instant Specification, Table 1, Example 3. There is support for this amended temperature limitation since there is clear descriptive support and antecedent basis in the specification for the range used in the Claims. *In re Wertheim*, 541 F.2d 257, 265, 191 USPQ 90, 98 (CCPA 1976).

3. The instant application is allowable over the closest prior art made of record (Huang and Broecker) because the "about 260°C of Huang does not encompass the 200°C of the instant application, and one of ordinary skill in the art would not expect the combination of a stripping temperature in the range of 50 to 200°C and a support comprising a nonporous metal (such as that taught by Broecker) to result in a regenerated catalyst with an increased relative conversion, as taught by the instant invention. As can be seen in Table 1, Example 3, a stripping temperature of 200°C results in a relative conversion of 81%, while in Example C3, a temperature of 400° results in a relative conversion of 52%. The general trend of the inventive experimental data is as the stripping temperature is decreased, the relative conversion is increased. In Table 1, Example 2, a temperature of 150°C results in a relative conversion of 89%; Example 6, a temperature of 150°C results in a relative conversion of 80%; Examples 1 and 4, a temperature of 100°C results in a relative conversion of 98%; and Example 5, a temperature of 100°C results in a relative conversion of 84%. There would be no motivation to modify the process of Huang with the nonporous metallic support of

Broecker because of the trend of higher conversions at lower temperatures (as illustrated by the instant invention), especially since Huang discloses a preferred temperature range of 315-372°C (Huang, c. 3, l. 63-66).

4. The instant application is further allowable over Fischer et al. (US 6,676,919 B1). Fischer discloses a hydrogenation catalyst comprising an active composition (palladium), which has been applied to a nonporous, metallic support and which has been used in a gas-phase selective hydrogenation of acetylene (Fischer, "Abstract;" c. 10, l. 27-41; c. 13, l. 27-33). However, Fischer does not teach, disclose or suggest modifying the hydrogenation catalyst by regenerating the hydrogenation catalyst via stripping at from 50 to 200°C with a substance or a substance mixture which under the process conditions has no oxidizing action and is present in the gaseous state, as required by the instant invention. Nor would there be any motivation from the prior art to do so.

Any comments considered necessary by Applicants must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRITTANY M. MARTINEZ whose telephone number is (571) 270-3586. The examiner can normally be reached Monday-Friday 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached at (571) 272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Wayne Langel/
Primary Examiner, Art Unit 1793

BMM
/Brittany M Martinez/
Examiner, Art Unit 1793